

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kimiaki TOSHIKIYO

Group Art Unit: 2826

Appl. No. : 10/576,273

Examiner: Selim U. AHMED

Filed : April 18, 2006

Confirmation No.: 9434

For : LIGHT-COLLECTING DEVICE AND SOLID-STATE IMAGING APPARATUS

RESPONSE TO RESTRICTION REQUIREMENT, WITH TRAVERSE

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Arlington, VA 22314

Sir:

ELECTION

In response to the Examiner's restriction requirement of December 12, 2008, in which the one month shortened statutory period for responding thereto runs to January 12, 2009, Applicant elects, with traverse, the species identified by the Examiner as Species V, illustrated in Figs. 15 and 16. Applicants submit that claims 1, 13, 15 and 17 are readable on the elected species. It is noted that the Examiner acknowledged that claim 1 is generic.

TRAVERSE

Applicants respectfully traverse the Examiner's restriction requirement.

According to M.P.E.P. §1893.03(d), when making a lack of unity of invention requirement, the Examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group. Applicants submit that the Examiner has failed to specifically describe the unique special technical feature in each group to explain why each group lacks unity with each other group, as specified in requirement (2) above. Instead, the Examiner merely states that the "species lack the same or corresponding special technical features because JP 2001-

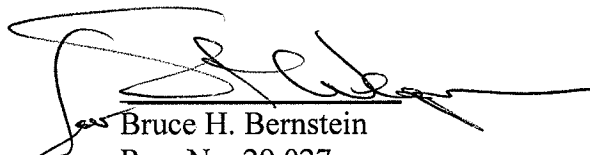
108812 and JP 2001-318217 teach all the limitations of the generic claims as set forth in the ISR". Applicants submit that such a general statement fails to comply with the "specifically describing" requirement set forth in M.P.E.P. §1893.03(d).

In view of the above, Applicant submits that all the claims in the application are linked to form a single inventive concept, and thus, all the claims should be examined. Thus, Applicant respectfully requests that the Examiner withdraw the restriction requirement and examine all the pending claims.

For the above reasons, Applicant respectfully requests the restriction requirement be reconsidered and withdrawn.

Any comments or questions concerning this application can be directed to the undersigned at the telephone number given below.

Respectfully submitted,
Tomoko MORITA et al.



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January 12, 2009
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